

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS NOTICE

14-99

4/28/99

PREVENTION OF REPRISAL POLICY STATEMENT

I. PURPOSE

This notice:

- A. Defines reprisal.
- B. States that employees may not retaliate against others.
- C. Explains FSIS' responsibility for reprisal prevention and resolution.

II. CANCELLATION

FSIS Notice 33-98, dated 9/15/98.

III. APPLICABILITY

Policy in this notice is for all FSIS employees. This notice does not alter any statutory or contractual rights already afforded employees in other laws and regulations.

IV. POLICY

FSIS **will not** tolerate any form of reprisal against employees or non-employees (customers). Employees who violate the reprisal action policy are subject to disciplinary action. FSIS takes complaints of reprisal seriously. FSIS also protects the rights of the person making the complaint and the person accused of the behavior.

V. DEFINITION OF REPRISAL

Reprisal:

- A. Is any action taken by a person in retaliation for an assumed or real wrong by another.
- B. Is illegal and a direct violation of Title VII of the Civil Rights Act of 1964.

DISTRIBUTION:
All Offices

NOTICE EXPIRES:
May 1, 2000

OPI:
OM - Internal Control Staff

C. Undermines the employee/employer working relationship, affects customer relations, interferes with productivity, and threatens the mental, emotional, and physical well being of those involved.

D. Is established as a prima facie case by showing that:

1. The employee opposed some unlawful employment practice or participated in Equal Employment Opportunity (EEO) proceedings;

2. The Agency was aware of the protected activity;

3. Subsequent to the protected activity, the Agency took adverse action against an employee or non-employee; and,

4. The adverse action followed the protected activity within such a period of time that retaliatory motive can be inferred.

VI. BACKGROUND

FSIS follows the guidelines of policy on reprisal stated in USDA Personnel Bulletin No. 752-1, Reprisal Actions Against Employees and Others, dated July 31, 1997. The Bulletin defines reprisal actions, redelegates the authority, defines prohibited conduct, provides resolution procedures, and specifies penalties. **NOTE:** The Bulletin is available at website: <http://www.usda.gov/da/employ/apsd/bul7521.htm>.

VII. PROHIBITED CONDUCT

No employee shall threaten or resort to reprisal (by word or action) against:

A. **An employee or non-employee who:**

1. Files a discrimination or non-EEO complaint.

2. Files a grievance under either negotiated or administrative grievance systems.

3. Files complaints about safety problems.

4. Assists an investigator of the Department, Agency, or Program area.

5. Engages in any other protected activity (**EXAMPLE:** Providing a Congressional member with information intending to demonstrate a violation of Title VII of the Civil Rights Act 1964).

6. Appropriately performs required duties.

B. A non-employee who:

1. Exercises the right to file an application for assistance or seek business with the Department.
2. Files a complaint against an employee or the Department including but not limited to a complaint of discrimination in program administration.
3. Engages in any activity or relationship with the Department that is granted by, or protected by law or regulation.

VIII. RESPONSIBILITIES

A. **Managers, supervisors, and customers** assure that the work environment is free from reprisal/retaliation.

B. **Employees** report reprisal activities by other employees. Employees must have a clear, objective basis for the prohibited acts of reprisal before reporting.

C. Director, Internal Control Staff:

1. Receives allegations of reprisal related to EEO complaint activity from the Civil Rights Division in FSIS.
2. Receives allegations of reprisal **not** related to EEO complaint activity.
3. Ensures that all allegations are promptly evaluated and referred for appropriate action or investigation by following guidelines in USDA Personnel Bulletin No. 752-1.
4. Designates one or more employees to coordinate the evaluation and investigation of allegations of reprisal, maintain records, and meet the Department's reporting requirements.

IX. SUBMITTING COMPLAINTS

A. Submit all complaints of reprisal in **writing**.

B. Submit written:

1. **EEO complaints to:**

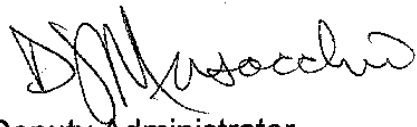
USDA FSIS CRD
ROOM 1144 SOUTH BG
1400 INDEPENDENCE AVENUE SW
WASHINGTON DC 20250-3700

2. **Non-EEO complaints to:**

USDA FSIS ICS
ROOM 2175 SOUTH BG
1400 INDEPENDENCE AVENUE SW
WASHINGTON DC 20250-3700

X. ADDITIONAL INFORMATION

All FSIS employees, including contractors and others who perform official work for the Agency, are required to fully support this policy.


Deputy Administrator
Office of Management